

Appln. No. 10/694,105
Amendment dated August 20, 2007
Reply to Office Action mailed March 20, 2007

Amendments to the Drawings

The attached sheet of drawings includes Figs. 7 and 8, with changes to Fig. 7 only. This sheet, which includes Figs. 7 and 8, replaces the original sheet including Figs. 7 and 8.

Attachment: Replacement Sheet

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 4, 6 through 18 and 22 through 28 remain in this application. Claims 5, 19, 20 and 21 have been cancelled. No claims have been withdrawn. Claims 30 through 33 have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraph 1 of the Office Action

Claims 1, 2 and 4 are subject to non-statutory obvious-type double patenting rejection as allegedly being obvious in view of claim 37 of patent No. 6,340,235.

Submitted with this Amendment is a terminal disclaimer for this application that refers to U.S. Patent No. 6,340,235.

Withdrawal of the non-statutory obvious-type double patenting rejection is respectfully requested.

Paragraph 2 of the Office Action

The specification has been objected to because update of the status and patent numbers of the cited documents was required.

The specification has been amended to update the status and patent numbers of the cited documents, particularly at the points identified in the Office Action.

Withdrawal of the objection is respectfully requested.

Paragraph 3 of the Office Action

The drawings have been objected to.

Submitted under separate cover and addressed to the Examiner is applicant's proposed amendment of the drawing. Specifically, in Figure 7, reference numeral "20" has been changed to -64--, reference numeral "26" has been changed to -66--, reference numeral "24" has been changed to -68--, reference numeral "22" has been changed to -67--, and reference numeral "42" has been deleted.

In light of the proposed drawing amendment, it is therefore submitted that the objection to the drawings as originally filed has been overcome, and withdrawal of the objection to the drawings is respectfully requested.

Paragraph 4 of the Office Action

Claims 1 through 4, 6, 7, 9, 10, 13 through 15, 18 and 22 through 28 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Seemann in view of Gaukel.

Claims 8, 16, and 17 been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Seemann and Gaukel as applied to claims 1 and 6 above, and further in view of Miyashita.

Claims 11 and 12 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Seemann and Gaukel and further in view of Leibowitz.

Claim 19 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Seemann, Gaukel, Miyashita and Leibowitz.

Initially, turning to claim 22, it is noted that claim 22 requires, in part, "a camouflaging receptacle adapted for a user to carry or wear" and "a liner disposed within and cooperating with the camouflaging receptacle so

as to form a concealed cavity". The rejection does not appear to address this requirement directly, as the rejection alleges that Seemann discloses "a purse which camouflages an interior illumination means 22 and has an access to the liner cavity". Thus, the rejection does not appear to address the requirement of claim 22 that the "liner... cooperat[es] with the camouflaging receptacle so as to form a concealed cavity". The rejection does not appear to address the requirement that the liner and receptacle cooperate to form a *concealed* cavity, as the claim requires. Further, the rejection does not appear to address other requirements of claim 22, including "telecommunications circuitry disposed within the concealed cavity and in electrical communication with the alarm circuitry" and "the alarm circuitry is adapted to provide an alarm signal to the telecommunications circuitry upon operation of the alarm switch... wherein, upon receipt of the alarm signal, the telecommunications circuitry is adapted to initiate a radio telephone communication to a predetermined emergency assistance service within a radio telephone system". (Clearly neither the Seemann nor the Gaukel patent discloses the operational aspects set forth in claim 22.

With respect to claim 1 and claim 22, it is alleged in the rejection of the Office Action that:

Seeman teaches a receptacle system that is a purse which camouflages an interior illumination means 22 and has an access to the liner cavity containing an alarm device, but lacks the teaching of an interfacing device,

(It is noted that the Seemann patent fails to disclose "processing means on the receptacle for processing signals from the electronic device received through the interfacing means" required by claim 1.) It is also alleged in the rejection that the Gaukel patent discloses most of the element of the claimed invention that are not disclosed in the Seemann patent. It is then contended that:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the electronic equipment taught by Gaukel to the receptacle taught by Seaman in order to have more convenient access to various equipment such as a GPS or computer or to make these devices more easily portable.

However, it is submitted that this contention ignores the nature of the Seemann device and one of its primary objectives, which is to be wearable on the body of the user as well as being positionable in a handbag. For example, the Seemann patent states the object of its system at col. 1, lines 34 through 52, which state:

The present invention is a personal alarm and light device which can be worn by the user or alternatively releasably attached to a handbag. The device has an audible and visual alarm which can be actuated by the user. In addition, the device incorporates a light separate from the alarm which can be turned on to provide a steady source of illumination. The device may also include a third light source providing a flashing or intermittent light which, when the device is worn by a jogger or bicyclist, will assist in identifying the person to a motorist in low ambient light conditions. In the preferred embodiment, the device has a strap which can be used to secure the device to the arm or leg of the user. The strap has a Velcro.RTM. type material which is designed to cooperate with complementary Velcro.RTM. type material affixed to a handbag so that the device could alternatively be attached to the handbag of the user.

Thus, one of the primary features of the Seemann device is its ability to be worn on the person of the user, as well as being positionable in a handbag. The ability of the Seemann device to be worn on the user's body is further emphasized at col. 2, lines 53 through 55, where it states:

Attached to housing 12 is a strap 34 that can be used to attach device 10 around the arm or leg of a user of the device.

Further emphasis is provided at col. 3, lines 2 through 8, where it is stated that (emphasis added):

Affixed to and integral with housing 12 are a plurality of loop members 44. Loop members 44 allow device 10 to be carried by a user in some manner other than with strap 34. For example, a belt could be threaded through oppositely disposed loop members 44 whereby device 10 could be worn on the belt of a user of the device.

Finally, Seemann states at col. 3, lines 14 through 18 that:

A jogger or bicyclist may find it advantageous to wear device 10 around an arm or leg with the light source 24 turned on so that he or she could be more readily observed when exercising in diminished light.

Thus, the ability for the Seemann device to be wearable on the body of the user appears to one reading the patent to be a primary objective for the device. Therefore, it is submitted that one of ordinary skill in the art, considering the Seemann patent, would recognize that it would be important to maintain the wearable character of the device and thus would be motivated to maintain the relatively small character of the device so that it could be worn on the body without feeling bulky to the wearer or being in danger of coming loose from the body during movement of the attached body part. In fact, even installed in the handbag as shown in Figure 1 of the Seemann patent, the device is mounted on the interior wall surface by Velcro, which one of ordinary skill in the art recognizes requires a less bulky, lighter in weight character to avoid the device from coming loose from the wall of the handbag or blocking access into the interior of the handbag.

In contrast, the Gaukel patent discusses and shows a system in which the interior of a "cellular bag 30" is almost completely filled with the bulk of the components of the Gaukel system, which it is submitted that one of ordinary skill in the art recognizes is contrary to the purpose of the Seemann patent to provide a wearable device that might also be mounted on the interior wall of a handbag. The Gaukel cellular bag appears to have a singular purpose of providing tracking of a person rather than being something that might carry the user's belongings. It is submitted that one of ordinary skill in the art would recognize that the proposed modification of the Seemann device using the elected elements of Gaukel would certainly increase the weight and bulk of the Seemann device, and would make it less

suitable for wearing on the body of the user or mounting on the wall of the handbag.

It is therefore submitted that the proposed modifications of the Seemann device set forth in the rejections would negate the central purposes and objectives of the Seemann teaching and thus would not be an obvious modification to one of ordinary skill in the art.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Seemann, Gaukel, Miyashita, Leibowitz, set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 1, 19 and 22. Further, claims 2 through 4, 6, 10, 11 and 13 through 17, which depend from claim 1, claims 7 through 9, which depend from claim 6, claim 12, which depends from claim 11, claim 18, which depends from claim 2, and claims 23 through 28, which depend from claim 22 also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §103(a) rejection of claims 1 through 4, 6, 7 through 19 and 22 through 28 is therefore respectfully requested.

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CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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